

**CITY OF MUSKEGON**  
**PLANNING COMMISSION**  
**REGULAR MEETING**

DATE OF MEETING: Thursday, March 12, 2020  
TIME OF MEETING: 4:00 p.m.  
PLACE OF MEETING: Commission Chambers, First Floor, Muskegon City Hall

---

**AGENDA**

- I. Roll Call
- II. Approval of Minutes from the regular meeting of January 16, 2020.
- III. Public Hearings
  - A. Hearing, Case 2020-05: Request for approval of a Specific Development Plan at 372 Morris Ave by Foundry Square, LLC.
  - B. Hearing, Case 2020-06: Request for a special use permit to add gas service pumps at 45 E Muskegon Ave, by Almajeed Property LLC.
  - C. Hearing, Case 2020-07: Staff initiated request to rezone multiple properties in the Nelson neighborhood to Form Based Code, Urban Residential.
  - D. Hearing, Case 2020-08: Staff initiated request to amend the Form Based Code, Urban Residential districts to restrict small-multiplexes to four units.
- IV. New Business
- V. Old Business
- VI. Other
  - a. Review of Chapter 6 of “Suburban Nation”
- VII. Adjourn

AMERICAN DISABILITY ACT POLICY FOR ACCESS TO OPEN MEETING OF THE  
CITY COMMISSION AND ANY OF ITS COMMITTEES OR SUBCOMMITTEES

The City of Muskegon will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities who want to attend the meeting, upon twenty-four hour notice to the City of Muskegon. Individuals with disabilities requiring auxiliary aids or services should contact the City of Muskegon by

writing or calling the following:

Ann Meisch, City Clerk  
933 Terrace Street

## **STAFF REPORT**

**March 12, 2020**

Hearing, Case 2020-05: Request for approval of a Specific Development Plan at 372 Morris Ave by Foundry Square, LLC.

The Form Based Code defines a Specific Development Plan as follows:

A Specific Development Plan is intended to allow applicants development flexibility to address market conditions and opportunities, including the master planning of large lots exceeding the maximum block dimensions as outlined in Section 2004, as well as the consolidation of multiple properties to create predictable and market responsive development for the area. Specific Development Plans shall be required for any Major Departure as outlined in this Section 2002.03 (form based code departures).

1. Specific Development Plan requirements. A Specific Development Plan shall include a full site plan and required data as outlined in Section 2303, 11.
2. Additional requirements include: A plan depicting the proposed Context Areas for the subject site(s) if major departures from the Context Area boundaries are requested.
3. Public Hearing: The applicant and/or Planning Commission may request a public hearing for a Specific Development Plan. A public hearing, pursuant to the Michigan Zoning Enabling Act, shall be required for a major departure of Context Area boundary.
4. Planning Commission action: The Planning Commission shall review and approve, with or without conditions, the full site plan upon the following findings:
  - i. The Context Areas provide a seamless transition from adjacent, existing districts and uses to the proposed subject site(s).
  - ii. Internal circulation and layout of lots fosters a walkable, urban area by adhering to the maximum block lengths as outlined in Section 2004.
  - iii. Roadways are interconnected and provide safe areas for walking and biking.

### **SUMMARY**

1. The property was recently rezoned to Form Based Code (Mainstreet) in anticipation of this project.
2. The property measures 7.2 acres and has frontage on Morris Ave and 1<sup>st</sup> St. The plan proposes to extend 2<sup>nd</sup> St through the property as well.
3. The Form Based Code would allow most of the building layouts as proposed with the exception of a few departures. However, we know that market demands and new interests may alter the final design as the project is built out in phases. Through this Specific Development Plan, we are intending to approve those known departures and to also allow for a little more flexibility on things like setbacks and lot sizes as the project scope may change in the future. The phasing of the project is also an important aspect of the Specific Development Plan because the Form Based Code only allows for a maximum number of parking spaces for new development downtown. The parking garage should be required to be built at the appropriate phase to insure its completion. Major Departures from the

Specific Development Plan that are not already identified will require another public hearing at a Planning Commission meeting. Minor Departures can be approved by the Planning Director.

4. Staff will explain the departure requests at the meeting. A few of them may be eliminated because of simple interpretation differences. Many of the departure requests are minor design alterations that still make for a great building design. Some departure requests are a little more significant, such as the deferral of parking maximums until future phases are constructed.
5. Plan approval should include instructions on street phasing (2<sup>nd</sup> St extension). The plan does not indicate whether the street would be installed entirely before construction of Phase 1 or would the street be constructed in phases as the lots are developed?
6. Notice letters were sent to properties within 300 feet of this property. At the time of this writing, staff had not received any comments from the public.

### **Aerial Map**



### **STAFF RECOMMENDATION**

Staff recommend approval of the Specific Development Plan with some amendments. A detailed list of amendments will be provided at the meeting.

### **DELIBERATION**

*Motion for consideration:*

I move that the Specific Development Plan for the property at 372 Morris Ave be (approved/denied) with the following conditions and phasing schedule:

Hearing, Case 2020-06: Request for a special use permit to add gas service pumps at 45 E Muskegon Ave, by Almajeed Property LLC.

## **SUMMARY**

1. The property is zoned Form Based Code (Neighborhood Core). Gas stations are allowed in this district with the issuance of a special use permit.
2. The current business serves as a convenience store and they would like to add three gas pumps to the east side of property. The parking spaces on the east side of the building would be removed and relocated to the west side of the building along with another building entrance. The driveway would be extended around the entire building.
3. The maneuvering lanes are a little tight near the southernmost gas pump and the building. Two-way traffic should have at least 20 feet of room in a parking lot. Separation is only about 18 feet in a few places. However, staff does not feel this will be an issue in a gas station, especially when the adjacent parking spaces are removed.
4. The blighted fences along the west side and south side of the property should be removed.
5. Trees should be planted in the terraces and in any new concrete curbing around the building.
6. The plan should state that the dumpsters will be screened with privacy fencing.
7. A paved drive approach should be placed on the south side of the property to connect to the alley.

### **45 E Muskegon Ave**



## **STAFF RECOMMENDATION**

Staff recommends approval of the special use permit with the following conditions:

1. The fence on the east side of the property is removed.
2. A paved drive approach is placed on the south side of the property to connect to the alley.
3. A landscaping plan with new trees and shrubs shall be approved by the Planning Director.

## **DELIBERATION**

*Motion for consideration:*

I move that the request for a special use permit to add gas service pumps at 45 E Muskegon be (approved/denied) with the following conditions:

1. The fence on the east side of the property is removed.
2. A paved drive approach is placed on the south side of the property to connect to the alley.
3. A landscaping plan with new trees and shrubs shall be approved by the Planning Director.

**Hearing, Case 2020-07:** Staff initiated request to rezone multiple properties in the Nelson neighborhood to Form Based Code, Urban Residential.

## **SUMMARY**

1. Staff is recommending to rezone most of the single-family properties in the Nelson Neighborhood to Form Based Code, Urban Residential. The rezoning would allow for a wider range of housing options; including single-family, townhomes, duplexes and small multiplexes. The Nelson Neighborhood already has a large selection of these home types, but many of them were initially single-family homes that were split-up into multiple units. This has lead to some blight issues, because many of the homes became denser without having the appropriate sized lot. The form based code addresses this issue and also requires more stringent design guidelines.
2. Almost all of the existing duplexes and small multiplexes in the Nelson Neighborhood are considered non-conforming, which can lead to problems with financing, insurance and rebuilding. A rezoning to FBC, Urban Residential would alleviate many of these problems.
3. Please see the enclosed Rental Properties Map. The map shows that 38% of residential parcels in the Nelson Neighborhood are rental properties. Duplexes account for 11% of the parcels. The current zoning does not allow for duplexes and small multiplexes. The current zoning does not match the reality of neighborhood.
4. As Nelson Neighborhood continues to redevelop, staff wants to make sure that a mixture of different housing types are created to continue to address the different housing needs of the diverse neighborhood.
5. Equally as important, it is imperative that we do not zone existing residents out of the neighborhood. Many homes in the area are aging and becoming uninhabitable, weather through disinvestment or disasters. As non-conforming multi-family homes are demolished, it is important that we allow new multi-family homes to be built in their place (on appropriately sized lots) so that tenants are not forced out of the neighborhood because of limited housing options.
6. The proposed rezonings do not include Jefferson St south of the high school.
7. A brief presentation on this topic will be given at the meeting.

## **STAFF RECOMMENDATION**

Staff recommends approval of the rezoning request as presented.

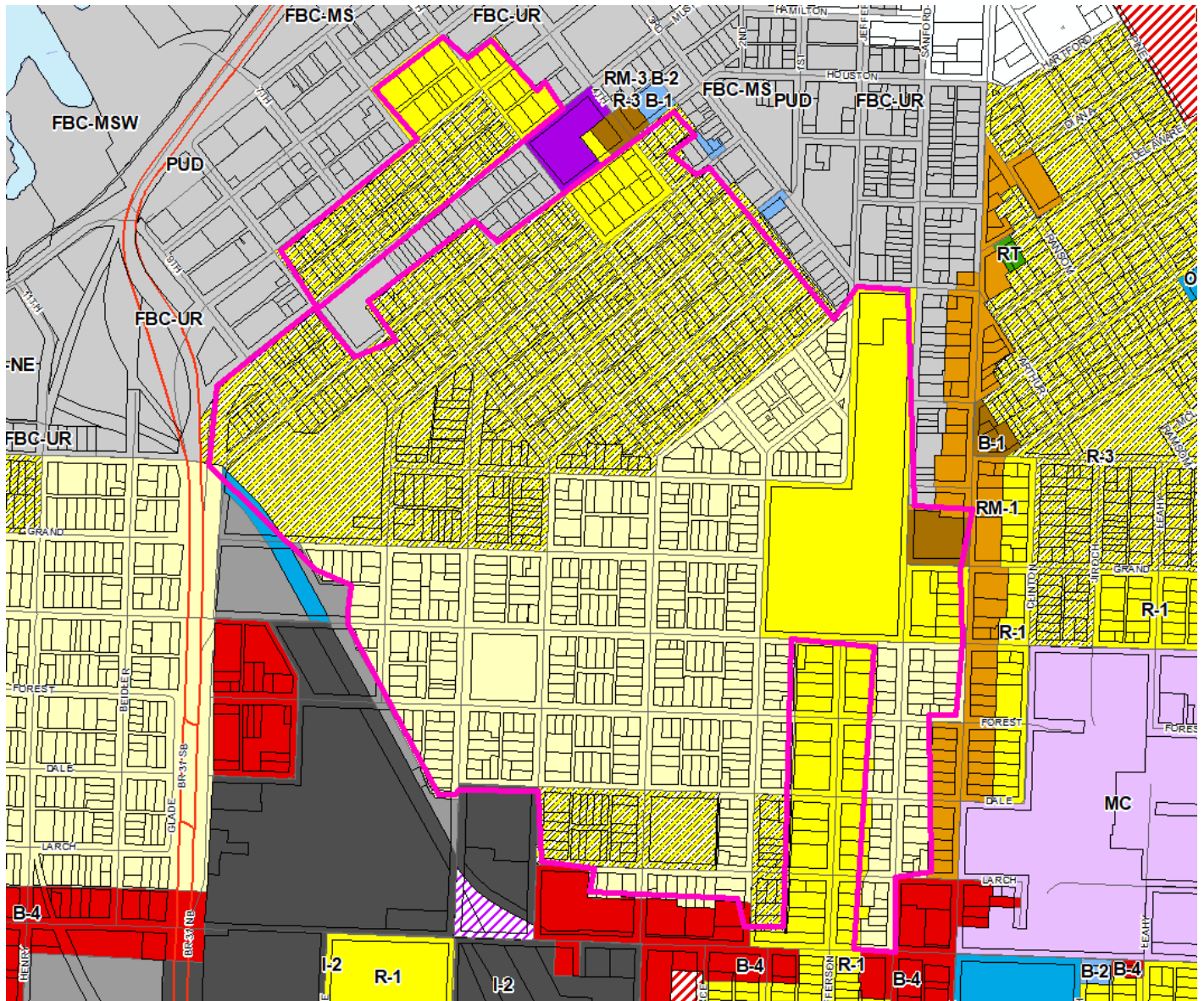
## **DELIBERATION**

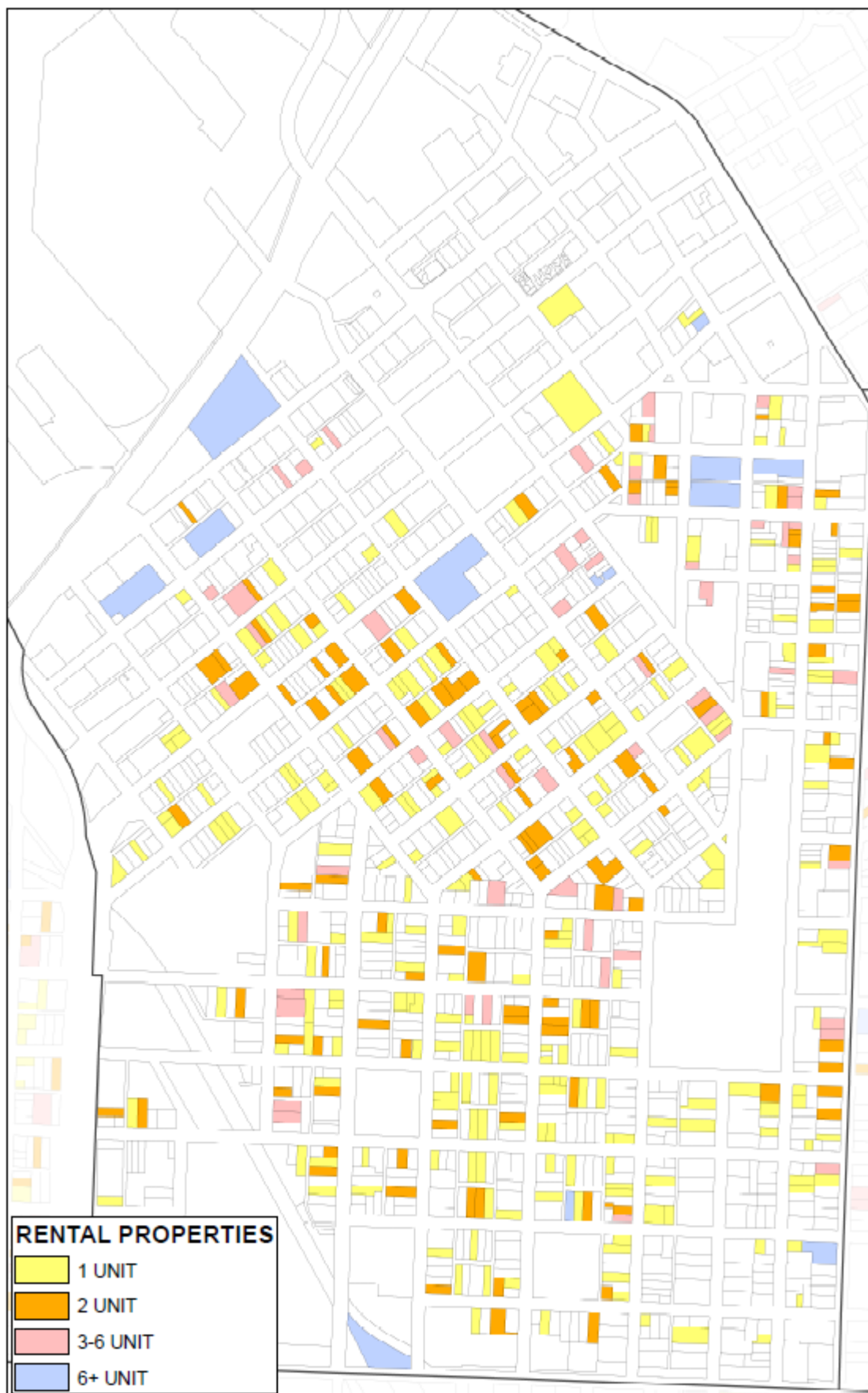
*Motion for consideration:*

I move that the request to rezone the properties in the Nelson neighborhood as presented to Form Based Code, Urban Residential be recommended to the City Commission for (approval/denial).



**(Inside Pink Boundaries)**







Hearing, Case 2020-08: Staff initiated request to amend the Form Based Code, Urban Residential districts to restrict small-multiplexes to four units.

## SUMMARY

1. In association with the previous rezoning request, staff is recommending to limit small multiplexes in Urban Residential context areas to a maximum of four units (instead of six). Staff believes that the size of five and six unit homes may be out of scale with the neighborhood.

### Existing Ordinance

#### CONTEXT AREAS AND USE

#### SECTION 2005

#### 2005.10 URBAN RESIDENTIAL (UR) CONTEXT AREA

SMALL MULTI-PLEX BUILDING TYPE	with PROJECTING PORCH			
	with STOOP	By Right	3 story max. / 2 story min.	Lot Width: 50' min. / 80' max. Lot Depth: 100' min.
	with PROJECTING PORCH	By Right	3 story max. / 2 story min.	Lot Width: 50' min. / 80' max. Lot Depth: 100' min.
	with ENGAGED PORCH	By Right	3 story max. / 2 story min.	Lot Width: 50' min. / 80' max. Lot Depth: 100' min.

### Proposed Amendment

SMALL MULTI-PLEX BUILDING TYPE	with PROJECTING PORCH			
	with STOOP	4 unit max. By Right	3 story max. / 2 story min.	Lot Width: 50' min. / 80' max. Lot Depth: 100' min.
	with PROJECTING PORCH	4 unit max. By Right	3 story max. / 2 story min.	Lot Width: 50' min. / 80' max. Lot Depth: 100' min.
	with ENGAGED PORCH	4 unit max. By Right	3 story max. / 2 story min.	Lot Width: 50' min. / 80' max. Lot Depth: 100' min.

## STAFF RECOMMENDATION

Staff recommends approval of the ordinance amendment.

## DELIBERATION

*Motion for consideration:*

I move that the request to amend the Form Based Code, Urban Residential districts to restrict small-multiplexes to four units be recommended to the City Commission for (approval/denial).